



House of Representatives

General Assembly

File No. 376

February Session, 2002

Substitute House Bill No. 5258

House of Representatives, April 8, 2002

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT REQUIRING NOTIFICATION OF VOTING OR VOTING
REGISTRATION TO CONSERVATORS OF RESIDENTS IN CERTAIN
INSTITUTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) The administrator of
2 an institution, as defined in subsection (a) of section 9-159q of the
3 general statutes, a residential facility for the mentally retarded licensed
4 pursuant to section 17a-227 of the general statutes, or a community
5 residence, as defined in section 19a-507a of the general statutes, shall
6 use his or her best efforts to provide written notice pursuant to
7 subsection (b) of this section to any conservator or guardian appointed
8 to manage the affairs of a resident of such institution, facility or
9 residence pursuant to sections 45a-644 to 45a-663, inclusive, of the
10 general statutes, as amended, or sections 45a-668 to 45a-684, inclusive,
11 of the general statutes, as amended, at least seven days prior to the
12 date any voter registration or voting opportunity is presented to the
13 resident with respect to a primary, referendum or election. As used in

14 this section, "voter registration" or "voting opportunity" includes, but is
15 not limited to, the solicitation or completion of: (1) An application for
16 admission as an elector; (2) an absentee ballot application; or (3) an
17 absentee ballot, regardless of whether supervised absentee ballot
18 voting will take place at such institution. The administrator of such
19 institution, facility or residence shall also use his or her best efforts to
20 provide written notice to any such conservator or guardian at least
21 seven days prior to the date when the resident may be brought to a
22 polling place to vote in person. The notification provisions of this
23 section shall not apply when a member of the resident's immediate
24 family provides the resident with an absentee ballot application or
25 brings the resident to a polling place to vote.

26 (b) Any such notice shall indicate that the resident is entitled to vote
27 or register to vote unless the resident is determined incompetent to do
28 so by a probate court, or unless the registrars of voters or their
29 designees jointly conclude at a supervised voting session that the
30 resident declines to vote the ballot or they are unable to determine how
31 the resident desires to vote the ballot, as provided in subsection (g) of
32 section 9-159q of the general statutes. The notice shall also specify that
33 a resident who requires assistance to vote in accordance with section 9-
34 264 of the general statutes, by reason of blindness, disability or
35 inability to read or write may receive assistance from a person of the
36 resident's choosing.

37 (c) The administrator of any such institution, facility or residence
38 may also provide such notice to a person with a power of attorney for
39 a resident of the institution, facility or residence.

40 Sec. 2. (NEW) (*Effective October 1, 2002*) The guardian or conservator
41 of an individual may file a petition in probate court to determine such
42 individual's competency to vote in a primary, referendum or election.
43 The probate court shall hold a hearing on the petition not later than
44 fifteen days after the filing of the petition and the hearing shall be
45 privileged with respect to assignment.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

GAE *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill will result in no fiscal impact to the state as a result of notification to guardians or conservators of voting registration opportunities available to residents of the identified institutions. Currently, clients are notified of voting opportunities and extending that notification to the guardians and conservators, where applicable, may have a minimal impact to the workload of the associated departments. This workload can be handled within the available resources of the departments.

Due to the minimal estimated volume in these cases, it is anticipated that the probate court will not incur any cost associated with expediting a hearing to determine a client's competency to vote.

OLR Bill Analysis*sHB 5258****AN ACT REQUIRING NOTIFICATION OF VOTING OR VOTING
REGISTRATION TO CONSERVATORS OF RESIDENTS IN
CERTAIN INSTITUTIONS*****SUMMARY:**

The bill requires administrators of certain institutions, residential facilities for people with mental retardation, and community residences to use their best efforts to notify probate court-appointed conservators and guardians when voting or voting registration opportunities are presented to their wards residing in the facility. The bill permits the administrators to give the same notice to people with a power of attorney over residents in the facilities. The notification requirement does not apply when a member of the resident's immediate family gives him an absentee ballot application or takes him to a polling place to vote.

The bill permits the guardian or conservator of a facility resident to file a petition asking the probate court to determine a resident's competency to vote. The court must conduct a hearing on the petition no later than 15 days after the filing date. These hearings must be given priority for trial.

EFFECTIVE DATE: October 1, 2002

ADMINISTRATORS REQUIRED TO PROVIDE NOTICE

The bill affects administrators of veterans' health care facilities; residential care homes; health care facilities for the handicapped; infirmaries operated by educational institutions to care for their students, faculty, and employees; residential facilities for people with mental retardation licensed by the Department of Mental Retardation; and community residential facilities for adults with mental illness licensed by the Department of Public Health to provide supervised, structured group living activities and support services.

NOTICE REQUIREMENTS

The administrator must use his best efforts to give conservators and guardians written notice at least seven days before a resident ward is (1) presented with any voter registration or voting opportunities regarding a primary, referendum, or election or (2) brought to a polling place to vote.

The notice must indicate a resident ward's existing rights to register to, and cast a, vote unless the probate court has made a determination of incompetence or a registrar of voters (or designee) at a supervised voting session cannot determine how the resident desires to vote or concludes that the resident declines to vote.

The notice must also specify that a resident ward that needs assistance to vote because of blindness, disability, or inability to read or write may receive assistance from anyone he chooses.

VOTER REGISTRATION AND VOTING OPPORTUNITIES

Under the bill, voting registration and voting opportunities include the solicitation or completion of (1) a voter registration application, (2) an absentee ballot application, and (3) an absentee ballot.

BACKGROUND

Conservators

By law, the probate court may appoint a person, municipal or state official, or a private corporation, other than a hospital or nursing home, to be a conservator for a person whom the court determines is incapable of managing his affairs or who voluntarily requests the appointment. A conservator of the estate supervises the person's financial affairs. A conservator of the person supervises the person's personal affairs.

Guardians

By law, the probate court may appoint a person, state official, or a private nonprofit corporation, other than a hospital or nursing home, to supervise either all or limited aspects of the care of an adult with mental retardation who cannot meet any or some of his essential needs.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute Change of Reference

Yea 16 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0